

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRITZ DAIRY FARM, L.L.C., et al.,	)	Case No. 5:12-cv-01736-JRA
	)	
<i>Plaintiffs,</i>	)	Judge John R. Adams
	)	
v.	)	
	)	
CHESAPEAKE EXPLORATION, L.L.C., et al.,	)	<b>DEFENDANTS' MOTION TO</b>
	)	<b>EXCUSE ATTENDANCE</b>
	)	<b>AT MOTION HEARING BY</b>
<i>Defendants.</i>	)	<b>DEFENDANT RICHARD OWEN</b>

For the reasons set forth in the attached memorandum in support, Defendants Chesapeake Exploration, L.L.C. ("Chesapeake Exploration"), Richard Owen, and Kenyon Energy, L.L.C. ("Kenyon"), respectfully request that Defendant Richard Owen be excused from attending the Motion Hearing currently scheduled for September 3, 2014. As explained below, requiring his because personal attendance would place an undue burden on him, especially given the fact that he will likely have no substantive input in light of the nature of the relief sought in Defendants' motion.

Respectfully submitted,

/s/ Timothy B. McGranor

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### **MEMORANDUM IN SUPPORT**

Defendants Chesapeake Exploration, L.L.C. (“Chesapeake Exploration”), Richard Owen, and Kenyon Energy, L.L.C. (“Kenyon”), respectfully request that Defendant Richard Owen be excused from attending the Motion Hearing currently scheduled for September 3, 2014, because personal attendance would place an undue burden on him in light of the nature of the relief sought in the pending motion

Mr. Owen remains a defendant in this case, but is no longer an independent contractor for Kenyon. Rather, Mr. Owen is currently working for another company and is actively engaged in a project in South Dakota. Requiring him to travel to Akron, Ohio, to attend the Contempt Hearing would interfere with his employment obligations and would cause him undue expense to arrange for travel for the hearing. Further, it is not anticipated that Mr. Owen will have any substantive information to add relative to Defendants’ pending motion for an order holding Plaintiffs in contempt. That motion relates solely to the Plaintiffs’ actions in not executing the settlement documents. Further, representatives of both Chesapeake Exploration and Kenyon will be present at the Motion Hearing; Defendants are jointly defending this action and will be able to speak for Mr. Owen on any issues that may arise during the Motion Hearing.

For these reasons, Defendants request that Mr. Owen be excused from attendance at the September 3, 2014 Motion Hearing. In the alternative, should the Court deem Mr. Owen’s participation to be necessary for the hearing, Defendants request that Mr. Owen be permitted to participate by telephone, rather than in person.

Respectfully submitted,

/s/ Timothy B. McGranor

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### **CERTIFICATE OF SERVICE**

I certify that on this 21st day of August 2014, a copy of the foregoing ***Defendants' Motion to Excuse Attendance at Motion Hearing by Defendant Richard Owen*** was served by the Court's CM/ECF system on the following:

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